IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.10135 OF 2004

Anil M. Goyel : Petitioner

V/s.

State Bank of India & Anr. : Respondents

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Mr.P.K.Samdani i/b. M/s.Wadia Ghandy & Co., for the petitioner.

Mr.Nishit Dhruva with Mr.Prakash U. Shinde i/b. M/s.M. Dhruv & Co., for respondent no.1.

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CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.

December 17, 2004.

P.C.:

1. Heard the learned counsel for the petitioner and respondent no.1.

2. After hearing the parties for sometime, Mr.Samdani, learned counsel for the petitioner, states that the petitioner is seeking clarification from the Debt Recovery Appellate Tribunal, Mumbai, with regard to the following observations:-

"Mr.Shetye makes a statement that he will convince his client to pay 50% of Rs.19,38,06,686.28. In view of this, following order is passed."

In view thereof, the learned counsel for the petitioner seeks leave to withdraw the above Petition with liberty to approach the Debt Recovery Appellate Tribunal, Mumbai, to seek clarifications with regard to the above statement. Under these circumstances, the petition is allowed to be withdrawn and dismissed as such with the aforesaid liberty. In the larger interest of justice, as the self-operative order whereby the above appeal was to stand rejected if the amount was not paid by 17.12.2004, we are inclined to continue the said protection till 24.12.2004 to enable the petitioner to approach the Debt Recovery Appellate Tribunal.

3. Parties to act on an authenticated copy of this order.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)